

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

HONORABLE PAUL L. MALONEY

v.

Case No. 1:03-cr-238-01

CHARLES ALPHEUS HARPER,

Defendant.

_____ /

ORDER DENYING MOTION TO AMEND JUDGMENT

This matter is before the Court on the defendant's Motion to Amend Judgment (Dkt. #48). Defendant was sentenced on March 3, 2004 by the Honorable Richard Alan Enslen.¹ He now moves this court to suspend the restitution payment schedule until he is released from custody of the Bureau of Prisons ("BOP").

Defendant's Judgment requires him to pay restitution in the amount of \$52,287.21 in minimum quarterly installments of \$25.00 based upon the Inmate Financial Responsibility Program or minimum monthly installments of \$20.00 based upon UNICOR earnings while incarcerated. Defendant says that his income is only \$5.25 per month and he is without the means to meet the payment schedule and purchase other necessities. He has attached a copy of his inmate trust account for the past six months in support of his request.

¹ The case was reassigned to the undersigned on June 16, 2010 pursuant to Administrative Order No. 09-003.

The Court finds the payment schedule is not onerous and will deny defendant's motion. According to the defendant's trust account statement from the past six months, the BOP has collected one FRP payment of \$25.00 since September 2009. Although the defendant may not make enough money at this time to meet his responsibilities, the BOP cannot collect money from the defendant if he does not have it and will collect money when he does. The defendant owes the money and should be making every effort to pay it. Accordingly,

IT IS HEREBY ORDERED that the defendant's Motion to Amend Judgment (Dkt. #48) is **DENIED**.

Date: June 28, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge